

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:18-CV-00681-MOC-DSC**

TIMOTHY S GILL,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
COCA COLA BOTTLING)	
CONSOLIDATED COMPANY,)	
)	
Defendant.)	

THIS MATTER is before the Court on “Defendant’s Motion to Compel Disclosures and Discovery Responses and for Expenses [including memorandum]” (document #31) filed October 21, 2020.

Pro se Plaintiff has not responded to the Motion and the time for filing a response has expired.

The Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B) and is now ripe for the Court’s consideration.

For the reasons stated in Defendants’ Motion and supporting brief, the Court **ORDERS** the pro se Plaintiff to serve complete supplemental Rule 26(a) Initial Disclosures and complete responses to “Defendant’s First Set of Interrogatories, Requests for Production of Documents, and Requests for Admission to Plaintiff (Exhibit 1 attached to Defendant’s Motion (document #31-1).”

Dismissal and the imposition of monetary sanctions are remedies available under Rule 37 for a party’s failure to obey rules governing discovery and orders of the district court. See Fed. R.

Civ. P. 37(b)(2)(C); National Hockey League v. Metro. Hockey Club, 427 U.S. 639, 643 (1976); Mutual Fed. Sav. & Loan v. Richards & Assocs., 872 F.2d 88, 92 (4th Cir. 1989); Wilson v. Volkswagen of America, Inc., 561 F.2d 494, 504-04 (4th Cir. 1977).

Accordingly, the Court warns Plaintiff that failure to provide full and complete Initial Disclosures and responses to these discovery requests, to respond to any other of Defendant's reasonable discovery requests, or to otherwise comply fully with any of the Court's orders, the Local Rules, or the Rules of Civil Procedure may result in the imposition of sanctions. **Sanctions may include Plaintiff being ordered to pay Defendant's costs including reasonable attorney's fees in their entirety and may also include dismissal of the Complaint with prejudice.**

NOW THEREFORE IT IS ORDERED:

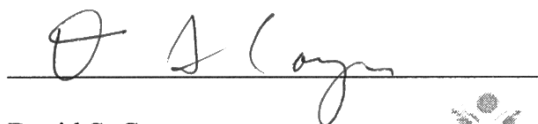
1. "Defendant's Motion to Compel Plaintiff's Complete Responses to Defendant's Discovery Requests" (document # 14) is **GRANTED**. Within fourteen days of the date of this Order, Plaintiff shall serve complete supplemental Rule 26(a) Initial Disclosures and complete responses to "Defendant's First Set of Interrogatories, Requests for Production of Documents, and Requests for Admission to Plaintiff (Exhibit 1 attached to Defendant's Motion (document #31-1))."

2. The parties shall bear their own costs at this time.

3. The Clerk is directed to send copies of this Order to pro se Plaintiff, to defense counsel and to the Honorable Max O. Cogburn, Jr..

SO ORDERED.

Signed: November 9, 2020


David S. Cayer
United States Magistrate Judge

